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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER	
BULLOCK JR, LEWIS ALEXANDER	
ART UNIT	**PAPER NUMBER**
2195	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/929,380	YADAV, SATYENDRA	
	Examiner	Art Unit	
	Lewis A. Bullock, Jr.	2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 December 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *5-12,32-45 and 65-78* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *32-38 and 65-71* is/are allowed.

6)☒ Claim(s) *5-12,39-45 and 72-78* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 July 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 5, 39-42, 44, 72-75 and 77 are rejected under 35 U.S.C. 102(e) as being anticipated by SUNG (U.S. Patent 6,226,684).

As to claim 5, SUNG teaches a system comprising: a router (data center), the router coupled with a network (col. 3, lines 51-53); a number of dispatchers (router) coupled with the router, each of the dispatchers having a local dispatch table (router table) wherein at least two of the dispatchers share a session entry (table entry) identifying a client (client) and a selected server (server) (via the multicast message synchronizing table entries such that any router can send communications to the same server); and a plurality of servers (servers), each of the plurality of servers coupled with each of the number of dispatchers; wherein the router directs each communication received from the network to one of the number of dispatchers, the one dispatcher to determine which of the plurality of servers is to receive the communication (via the router sending a message to one of the servers or a previous selected server as detailed by the IP cache table

or routing table) (col. 3, line 51 – col. 4, line 7; see figs. 3 and 4; col. 5, lines 20-58; col. 6, lines 10-30).

As to claim 39, SUNG teaches a method comprising: receiving a packet (message) at a router (data center) coupled with a plurality of dispatchers (routers), the packet (message) including a connection request from a client (client); transmitting the packet from the router (data center) to a first dispatcher (router) of the plurality of dispatchers (routers); selecting a server (server) from a plurality of servers (servers) coupled with the plurality of dispatchers (routers); placing a session entry (table entry) in a local dispatch table (router table) of the first dispatcher (router), the session entry identifying the client (client) and the selected server (server); broadcasting a dispatch table update from the first dispatcher (router) to all other dispatchers (routers) of the plurality of dispatchers (via the multicast message to synchronize the tables of all routers), the dispatch table update identifying the client (client) and the selected server (server); transmitting the packet to the selected server (server); receiving a second packet at the router from the client; and transmitting the second packet from the router to a second dispatcher of the plurality of dispatchers, the second dispatcher to search a local dispatch table of the second dispatcher to identify the selected server and transmit the second packet to the selected server (via establishing a new second communication with the data center such that the router directs the second request to the same server) (see figs. 3 and 4; col. 5, lines 20-58; col. 6, lines 10-30; col. 4, line 49-col. 5, line 33).

As to claim 40, SUNG teaches selecting a communication link from a plurality of communication links (via selecting a router), each of the plurality of communication links coupling one of the plurality of dispatchers (router) with a port of the router (data center); and transmitting the packet (message) over the selected communication link to the first dispatcher (router) (see figs. 3 and 4; col. 5, lines 20-58; col. 6, lines 10-30).

As to claim 41, SUNG teaches randomly selecting the communication link from the plurality of communication links (see figs. 3 and 4; col. 5, lines 20-58; col. 6, lines 10-30).

As to claim 42, SUNG teaches determining a load on each of the plurality of servers (servers); and selecting the server at least partially in response to the load on the server (server) (col. 10, lines 6-21; col. 9, lines 40-53).

As to claim 44, SUNG teaches the first dispatcher and the second dispatcher comprise the same dispatcher of the plurality of dispatchers (via the same or different dispatchers both having the capability of sending connection request to the same server based on the table entries) (see figs. 3 and 4; col. 5, lines 20-58; col. 6, lines 10-30; col. 4, line 49-col. 5, line 33).

As to claims 72-75 and 77, refer to claims 39-42 and 44 for rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over SUNG (U.S. Patent 6,226,684) in view of TSUKAKOSHI (U.S. Patent 6,496,510).

As to claims 9 and 10, SUNG teaches a number of dispatchers are coupled with a port of the router (via the routers being linked to the data center such that when it receives a message it is sent to a router) and substantially discloses the invention above. However, SUNG does not teach the router exhibiting port trunking by having identical network addresses. TSUKAKOSHI teaches the router (router device / cluster-type router) exhibiting port trunking and the first dispatcher (router node) and second dispatcher (router node) exhibiting identical network addresses (no need to assign sub-net addresses) (col. 2, line 30-62; col. 3, line 65 – col. 4, line 7) wherein each router device distributes update information to other router devices (col. 6, lines 53-60; col. 7, lines 25-30; col. 8, lines 4-11). Therefore, it would be obvious to one of ordinary skill in the art to combine the teachings of SUNG with the teachings of TSUKAKOSHI in

order to perform routing protocol processing without using extra addresses and without exerting a heavy load on a particular router node (col. 2, lines 30-34).

5. Claims 6-8, 11, 12, 43, 45, 76 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over SUNG (U.S. Patent 6,226,684).

As to claims 6-8, SUNG teaches a network with multiple routers for communicating a client to a server (col. 4, lines 42-48). However, SUNG does not teach that the network is a system area network or a LAN, WAN, or MAN. Official Notice is taken in that a system area network exhibiting InfiniBand architecture, LAN, WAN, and MAN are well known in the art and therefore would be obvious in view of the teachings of SUNG in order to facilitate the reconnection of clients to respective servers in a system area network, LAN, WAN, or MAN environment.

As to claims 11 and 12, SUNG teaches selecting the server at least partially in response to the identified application (via selecting the server based on the content groups cached by the server) (col. 10, lines 6-22). It would be obvious to one skilled in the art that there must exist different content group, i.e. applications, since the servers are selected based on the content groups.

As to claim 43, SUNG teaches selecting the server at least partially in response to the identified application (via selecting the server based on the content groups cached by the server) (col. 10, lines 6-22). It would be obvious to

one skilled in the art that the content group, i.e. application, of the packet must be identified in order to select a server based on the content group.

As to claim 45, SUNG teaches routing a packet from the dispatcher (router) to the selected server (server) (see figs. 3 and 4; col. 5, lines 20-58; col. 6, lines 10-30). It would be obvious to one of ordinary skill in the art that in order to route the request one would have to change the network address of the message from the dispatcher set by the client to the server set by the dispatcher.

As to claims 76 and 78, refer to claims 43 and 45 for rejection.

Allowable Subject Matter

6. Claims 32-38 and 65-71 are allowed.

Response to Arguments

7. Applicant's arguments filed December 5, 2005 have been fully considered but they are not persuasive. Applicant argues that the Examiner has equated the bank of routers as the claimed dispatchers and therefore Sung fails to disclose a router disposed between the client and the bank of routers. The claimed embodiment details a router coupled with a network and a number of dispatchers which are coupled to a plurality of servers. The examiner disagrees. Sung teaches a client first communicates to a data center which is used to delegate the handling of the client message to a particular router of the data center (col. 6,

lines 34-35). After communicating with the data center, a router is selected and a message is relayed to this router. The router upon receiving the message performs a look-up operation and relays the message to the correct server if one is assigned. Otherwise the router selects a server and relay's this assignment to the other routers of the data center. Applicant's specification portrays a router as any suitable routing device known in the art (pg. 5, paragraph 0016). Therefore, because the data center is used to send messages to a particular router it is a routing device and thus would constitute a router that is coupled to a plurality of dispatchers (i.e. routers) and a network (communication with the client). Therefore, Sung still teach the invention as disclosed.

Applicant provides the same reasoning regarding the other claims rejected under 35 U.S.C. 103 and therefore based upon the response provided above, these arguments are also unpersuasive. Therefore, the rejection is maintained as detailed above.

Conclusion

8. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See

MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (571) 272-3759. The examiner can normally be reached on Monday-Friday, 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LEWIS A. BULLOCK, JR.
PRIMARY EXAMINER

March 3, 2006